

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

CHANITA HOOKS

Plaintiff,

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v.

CIVIL ACTION NO. 3:17-CV-00807
(Jury)

KNIGHT TRANSPORTATION, INC.

AND MICHAEL JOHN STEVENS

Defendants.

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NOTICE OF REMOVAL

COME NOW KNIGHT TRANSPORTATION, INC. AND MICHAEL JOHN STEVENS, Defendants in the above-entitled cause, and file their Notice of Removal and would respectfully show unto the Court as follows:

INTRODUCTION

1. Plaintiff Chanita Hooks filed suit in Cause No. DC-17-02209 in the 160th Judicial District Court for Dallas County, Texas, on February 22, 2017. Defendants first received notice of this suit on February 22, 2017. Defendants, Knight Transportation, Inc. and Michael John Stevens were both served with Citation and Plaintiff's Original Petition on March 1, 2017.

2. In her Original Petition, Plaintiff pleads damages in an amount exceeding \$100,000.00. Consequently, Defendants timely file this Notice of Removal within the 30-day time period required by 28 U.S.C. § 1446(b).

NATURE OF THE SUIT

3. Plaintiff is an individual and is a citizen of The State of Texas. Defendant Knight Transportation, Inc. is a corporation organized under the laws of The State of Arizona, with its principal place of business located in Phoenix, Arizona. Defendant Michael John Stevens is an individual and is a citizen of the State of Mississippi. Plaintiff seeks recovery for personal injuries she allegedly sustained in a motor vehicle collision occurring on or about February 10, 2016 near the 38900 block of Interstate Highway 20 and Interstate Highway 35 E. in Dallas, Dallas County, Texas. Plaintiff seeks recovery from Defendants on a theory of negligence and negligence per se.

BASIS FOR REMOVAL

4. Removal is proper because there is complete diversity of citizenship between Plaintiff and Defendants. Plaintiff is an individual who is a citizen of the State of Texas. Defendant Knight Transportation, Inc. is corporation formed under the laws of the State of Arizona, with its principal place of business located at 5601 W. Buckeye Road, Phoenix, Arizona. Defendant Michael John Stevens is an individual who is a citizen of the State of Mississippi.

5. Plaintiff's Original Petition alleges damages in an amount that exceeds \$100,000.00. Accordingly, the amount in controversy exceeds \$75,000.00 exclusive of interest, costs, and attorney's fees.

VENUE AND JURISDICTION

6. Venue is proper in this district pursuant to 28 U.S.C. § 1441(a) because this district and division embrace the place in which the removed action has been pending.

7. This Court has jurisdiction of this action pursuant to 28 U.S.C. § 1332 because there exists diversity of citizenship between the parties, and the amount in controversy exceeds \$75,000.00, exclusive of interest and costs.

PROCEDURAL STATUS

8. Defendants attach to this notice all process, pleadings, and orders served upon Defendants in the state court action, as required by 28 U.S.C. § 1446(a). (See, Ex. A, Index of Matters Filed, including docket sheet, and all pleadings.) In addition, Defendants file contemporaneously with this Notice of Removal, a Certificate of Interested Parties, pursuant to Fed. R. Civ. P. 7.1.

9. Defendants will promptly file a copy of this Notice of Removal with the clerk of the 160th Judicial District Court, Dallas County, Texas—the state court in which this action is pending.

DATED this 22nd day of March, 2017.

Respectfully submitted,

KANE RUSSELL COLEMAN LOGAN PC

By: /s/ Zach T. Mayer
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**ATTORNEYS FOR DEFENDANTS
KNIGHT TRANSPORTATION, INC. AND
MICHAEL JOHN STEVENS**

CERTIFICATE OF SERVICE

This is to certify that on the 22nd day of March 2017, a true and correct copy of the foregoing has been forwarded to all counsel of record as follows:

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- E-MAIL
- HAND DELIVERY
- FACSIMILE (ANSWER ONLY)
- OVERNIGHT MAIL
- REGULAR, FIRST CLASS MAIL
- E-FILE AND E-SERVICE
- E-SERVICE (SERVICE ONLY)
- CERTIFIED MAIL/RETURN RECEIPT REQUESTED

/s/ Zach T. Mayer

Zach T. Mayer